



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MEMORANDUM

June 18, 2008

SUBJECT: Effects Determinations for Phosmet Relative to the California Red-Legged Frog and Designated Critical Habitat

FROM: Thomas Steeger, Ph.D. *Thomas Steeger 6/10/08*
ERB IV
Environmental Fate and Effects Division

TO: Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential direct and indirect effects to the California red-legged frog (CRLF) and potential modification to designated critical habitat from uses of the phosmet. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the CRLF, including designated critical habitat, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (CBD v. EPA¹).

The attached assessment was conducted consistent with the Agency's Overview Document². Effects determinations for this assessment are summarized below:

for phosmet uses, a "LAA" determination based on direct effects to the CRLF, a "LAA" determination for indirect effects to the CRLF based on effects to its prey and an "LAA" determination for indirect effects to the CRLF based on effects to its habitat (**Table 1 of the executive summary of the assessment**). Consideration of CRLF critical habitat indicates a determination of "habitat modification" for aquatic and terrestrial habitats. **The overall CRLF effects determination for phosmet use is "LAA."**

As required by the Alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included five other scientists, one of whom has been trained by the Services to make such determinations, Anita Pease.

Please let me know if you have any questions regarding this assessment and effects determination for phosmet relative to the CRLF and its designated critical habitat.

cc: Steve Bradbury
Debbie Edwards

¹ Settlement agreement of October 20, 2006: Center for Biological Diversity v. United States Environmental Protection Agency. Civ. No: 02-1580-JSW(JL).

² Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.